



Brussels,
AGRI- -D/

BY E-MAIL (DELIVERY AND READ RECEIPT REQUIRED) OR REGISTERED MAIL

(Addressee)

(Address)

Subject: Letter of Invitation to Tender – Contract Notice 2009/ S 118-169967

Ref: Implications of Asynchronous GMO Approvals for EU Imports of Animal Feed Products, AGRI-2009-EVAL-09

Dear Sir or Madam,

1. DG AGRICULTURE AND RURAL DEVELOPMENT (the “Contracting Authority” for the European Commission for the purposes of this Call for Tender) is pleased to enclose the Call for Tender relating to the above mentioned Contract Notice, consisting of the specification listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity, and the draft contract.
2. If you are interested in this public contract, you are requested to submit your offer, no later than :

Friday, 11 September 2009

hereafter referred to as “11/09/2009”.

3. Where submission is by letter, Tenderers may choose to submit tenders:

A - EITHER by registered post or by courier not later than 11/09/2009, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following address:

*EUROPEAN COMMISSION
(Attn Mr Leo MAIER, Head of Evaluation Unit – Office Loi 130,
8/29)
Directorate-General for Agriculture and Rural Development, Unit
L.4. Evaluation of measures applicable to agriculture; studies
BE - 1049 BRUSSELS - Belgium*

- B - OR** delivered by hand (by the Tenderer or by an authorised representative), directly to the following address:

Office 00/212 - Central Mailroom,
DG Administration
EUROPEAN COMMISSION
Avenue du Bourget 1-3,
BE - 1140 BRUSSELS (EVERE) - Belgium

*(Attn Mr Leo MAIER, Head of Evaluation Unit – Office Loi 130,
8/29)*
*Directorate-General for Agriculture and Rural Development, Unit
L.4. Evaluation of measures applicable to agriculture; studies*

not later than 16.00 on 11/09/2009. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the European Commission's central mail department who took delivery. The department is open from 08.00 to 16.00 Monday to Friday. It is closed on Saturdays, Sundays and European Commission holidays.

ATTENTION: the delivery of tenders, by hand, directly to the offices of DG AGRICULTURE AND RURAL DEVELOPMENT, rue de la Loi 130 and 102 **is not possible**, as a consequence of security measures taken by the European Commission. Delivery of tenders is only possible at the address indicated above.

*NB : offers sent after 11/09/2009, offers sent to another postal address than the one indicated above, and offers submitted through personal delivery (direct or through any authorised representative of the Tenderer, including private messenger service) to another physical address than the one indicated above, will **not** be accepted in the framework of the present invitation to tender.*

4. Tenderers are invited to confirm the submission of the tender by fax no later than 11/09/2009 at 17.00 (Brussels time) to the following fax number: +32.2.296.42.67. Attention Mr Leo MAIER – L 130, 8/29
5. The offer must be submitted in triplicate, in one of the official languages of the European Union, consisting of 1 original, bearing the original signature of the authorised representative of the Tenderer, and marked “Original”, and 2 copies respectively marked “Copy 1” and “Copy 2”.

*NB : offers not consisting of 1 original marked “Original” and 2 copies respectively marked “Copy 1” and “Copy 2”, and offers containing an original not signed, or not signed by the authorised representative of the Tenderer, may **not** be accepted in the framework of the present invitation to tender.*

6. The offer must be enclosed in an outer envelope and three inner envelopes, of which all the envelopes must be sealed. If the offer contains documents that are so voluminous that envelopes cannot be used then the offer should be enclosed in an outer cardboard box and three inner cardboard boxes. Irrespective of the type of envelope or cardboard box that is used, all envelopes or all cardboard boxes must be further **sealed with adhesive tape**, upon which the **signature of the Tenderer's authorised representative** must appear.

The three inner envelopes or cardboard boxes must contain the separate offer documents - one for the "administrative dossier" of the offer, one for the "technical dossier" of the offer and one for the "financial offer" (this is explained in more detail in Section 8.1 of Document N°. 1 Tender Specifications).

The **outer envelope or cardboard box** should bear, in addition to and separately from the above mentioned postal address, the following mention:

"INVITATION TO TENDER N°. AGRI-2009-EVAL-09"
- NOT TO BE OPENED BY THE MESSENGER/COURIER SERVICE
- to be internally delivered without opening to Mr Leo MAIER, Head of the Evaluation Unit – Unit AGRI-L4 – Office Loi 130, 8/29"

The **THREE inner envelopes or cardboard boxes** should also bear the following mention:

"INVITATION TO TENDER N°. AGRI-2009-EVAL-09"
"ADMINISTRATIVE DOSSIER" OR "TECHNICAL DOSSIER" OR
"FINANCIAL OFFER"
- (...name of Tenderer.)
- NOT TO BE OPENED BEFORE 21/09/2009 BY THE OPENING COMMITTEE"

NB: These requirements regarding the packaging, sealing and signature of the Tenderer's authorised representative are necessary to ensure that the tender offer has not been opened, between the receipt at the European Commission's Central Mailroom or DG AGRICULTURE AND RURAL DEVELOPMENT Unit Archives, and the date of opening by the Committee.

The decision, as whether a tender offer is considered admissible, is the responsibility of the Opening Committee. Tenderers should be aware that, where the above described arrangements for packaging, sealing and signature of the tender offer are not respected, and there is a doubt that the security of the offer documents can be guaranteed, the Opening Committee may consider that the offer is inadmissible.

7. Tenders must also be :

- signed by the Tenderer or his duly authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- the presentation and content of the tender must meet the requirements set in attached Document N°. 1, Tender Specification (see Section 8.1 Presentation of the offer).

*NB : offers not meeting the requirements of this Section 8.1. of the specification may **not** be accepted in the framework of the present invitation to tender.*

8. The period of validity of the tender, during which the Tenderers may not modify the terms of their tenders in any respect shall be: 9 calendar months from 11/09/2009.
9. Tenderers should be aware that contact between representatives of DG AGRICULTURE AND RURAL DEVELOPMENT and Tenderers is prohibited throughout the procedure, save in exceptional circumstances, as defined within Document N°. 1, Tender Specifications (see Section 7.6 Contact Point).

The tender documents, as well as any additional information and the replies to any questions from Tenderers, will be made available on the AGRI ON EUROPA website: http://ec.europa.eu/dgs/agriculture/tender_en.htm. Where these documents are obtained

directly from the AGRI ON EUROPA website, Tenderers are advised to consult the website on a regular basis before 11/09/2009 to make sure that they are aware of all modifications and answers to questions before finalising their offer.

The only authorised contact points for questions relating to this invitation to tender are those mentioned in points 3 and 4 above.

10. Public opening of the tenders will take place on 21/09/2009 at 9:30 a.m. (Brussels time) in the offices of Unit L.4 Evaluation of measures applicable to agriculture; studies of DG AGRICULTURE AND RURAL DEVELOPMENT, rue de la Loi 130, office 8/29 in Brussels, Belgium. One representative of each Tenderer, duly mandated, is allowed to attend this opening (proof of identify must be given by presentation of a passport or identity card). If Tenderers wish to be present, they shall inform Unit L.4 Evaluation of measures applicable to agriculture; studies of DG AGRICULTURE AND RURAL DEVELOPMENT by fax no later than one week before the opening date, to the fax number indicated in point 4 above. After the opening, the Evaluation Committee will then start the assessment of all valid offers.
11. Submission of an offer in the framework of the present invitation to tender implies:
 - a) acceptance by the Tenderer of all the terms and conditions specified in the following documents :
 - this Letter of Invitation to Tender
 - the tender specifications (see attached Document N°. 1)
 - the blank draft contract (see attached Document N°. 2)
 - the Tenderer Identification Document (see attached Document N°. 3 B), the Legal Entity Form (see attached Document N°. 3C) and the Financial Identification Form (see attached Document N°. 3 D).
 - (b) waiver of the Tenderer's own general or specific terms and conditions;
 - (c) binding on the Tenderer to whom the contract is awarded, for the duration of the contract.
12. This invitation to tender is in no way binding on the Contracting Authority. The Contracting Authority's legal obligation commences only upon signature of the contract with the successful Tenderer.

Up to the point of signature, the Contracting Authority may either withdraw from the contract or cancel the procurement procedure, without the candidates or Tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or Tenderers notified.
13. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
14. Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as names, addresses and CVs). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by Mr Leo MAIER, Sub-delegated Authorising Officer and Head of Unit L.4 (Evaluation of

measures applicable to agriculture; studies). You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to Mr Leo MAIER, Sub-delegated Authorising Officer and Head of Unit L.4 (Evaluation of measures applicable to agriculture; studies). You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data

15. You are informed that for the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation¹ may be included in a central database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission.

16. If you do not intend to submit an offer in the framework of the present invitation to tender, you are kindly asked to communicate in writing before *11/09/2009*.
17. Tenderers will be informed whether or not their tenders have been accepted.
18. Tenderers need to pay particular attention to the requirements of Section 8.4 for their price offer: the tender price must be within the price range as defined in this section. Any tender offers received, that do not respect the upper limit will be automatically excluded from the evaluation procedure. However, it is expected that any price offer below the lower limit, will constitute an abnormally low tender and it is likely that such a tender will be rejected, without a satisfactory explanation.

Leo MAIER
Head of Unit

Enclosures:

- Document N°. 1 : Tender Specifications AGRI-2009-EVAL-09
- Document N°. 2 : Blank Draft Contract (including various annexes which form an integral part thereof)
- Document N°. 3 : Check list and Forms to be completed

¹ Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 (OJEU L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) N° 1995/2006 of 13.12.2006 (OJEU L 390 of 30.12.2006).